United Nations A/65/372

General Assembly

Distr.: General
16 September 2010

Original: English

Sixty-fifth session
Item 52 of the provisional agenda*
Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

The occupied Syrian Golan**

Report of the Secretary-General

1. The present report is submitted pursuant to General Assembly resolution 64/95, the operative part of which reads as follows:

> *The General Assembly,*
>
> ...
>
> 1. *Calls upon* Israel, the occupying Power, to comply with the relevant resolutions on the occupied Syrian Golan, in particular Security Council resolution 497 (1981), in which the Council, inter alia, decided that the Israeli decision to impose its laws, jurisdiction and administration on the occupied Syrian Golan was null and void and without international legal effect and demanded that Israel, the occupying Power, rescind forthwith its decision;
>
> 2. *Also calls upon* Israel to desist from changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Golan and in particular to desist from the establishment of settlements;
>
> 3. *Determines* that all legislative and administrative measures and actions taken or to be taken by Israel, the occupying Power, that purport to alter the character and legal status of the occupied Syrian Golan are null and void, constitute a flagrant violation of international law and of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and have no legal effect;

* A/65/150.

** The Office of the United Nations High Commissioner for Human Rights extended the deadline for submission by Member States of their contributions pursuant to General Assembly resolution 64/95. The Office also transmitted a draft report including all replies to concerned Member States for comments. Comments received were integrated. This has delayed the final submission of the current report.

10-53653 (E) 11010

Please recycle

4. *Calls upon* Israel to desist from imposing Israeli citizenship and Israeli identity cards on the Syrian citizens in the occupied Syrian Golan, and from its repressive measures against the population of the occupied Syrian Golan;

5. *Deplores* the violations by Israel of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949;

6. *Calls once again upon* Member States not to recognize any of the legislative or administrative measures and actions referred to above;

7. *Requests* the Secretary-General to report to the General Assembly at its sixty-fifth session on the implementation of the present resolution.

2. On 20 April 2010, the Office of the United Nations High Commissioner for Human Rights (OHCHR), on behalf of the Secretary-General, addressed a note verbale to the Government of Israel referring to the above-mentioned General Assembly resolution and asking the Government of Israel to provide information on any steps that it has taken or envisages taking concerning the implementation of the relevant provisions of the resolution. As in previous years, no reply had been received at the time of the preparation of the report.

3. On 20 April 2010, OHCHR, on behalf of the Secretary-General, sent a note verbale to all permanent missions to the United Nations and other international organizations in Geneva regarding General Assembly resolution 64/95, and asking the Governments of Member States to provide information on any steps that they have taken or envisage taking concerning the implementation of the relevant provisions of the resolution.

4. On 8 July 2010, OHCHR, on behalf of the Secretary-General, sent a note verbale to all permanent missions to the United Nations and other international organizations in Geneva regarding General Assembly resolution 64/95, extending the deadline for the submission of contributions.

5. In its reply of 7 May 2010, the Permanent Mission of El Salvador confirmed that its Government supported all the resolutions discussed at plenary meetings of the General Assembly and the Human Rights Council, and maintained a constant position rejecting legislative or administrative actions by the Government of Israel in the occupied Syrian Golan.

6. In its reply of 13 May 2010, the Permanent Mission of Lebanon confirmed that its Government is committed to General Assembly resolution 64/95 with regard to the refusal to recognize any imposition by the Israeli occupying authorities of its laws, jurisdiction and administration on the occupied Syrian Golan, in conformity with international law and United Nations principles. Lebanon added that the aforementioned principles assert the obligation to respect national sovereignty.

7. On 15 July 2010, the Permanent Mission of the Syrian Arab Republic reaffirmed that the Syrian Golan has been occupied by Israel since June 1967 in violation of the provisions of international law as confirmed by the international community through different decisions of the General Assembly, the Human Rights Council and the Security Council, including resolution 497 (1981). The Syrian Arab Republic affirmed that it does not recognize Israel's illegal decision to annex the Syrian Golan, and urged all Member States to reject this decision and all subsequent relevant decisions changing the Syrian identity of the region and the

population and imposing foreign settlers in their place. The Syrian Arab Republic called upon the international community to intervene to set in motion Israel's implementation of United Nations resolutions, and instate a just and global peace in the region. In the note verbale, the Syrian Arab Republic raised the grave and systematic violations of all human rights committed by Israel in the occupied Syrian Golan, including denial of family visits to the Syrian Arab Republic since 1994, even in cases of illness or death, and reaffirmed the right of Syrians to their right to freedom of movement. The Syrian Arab Republic called upon the international community to intervene to resume family visits through the crossing of Quneitra under the supervision of the International Committee of the Red Cross, in line with the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949 (Fourth Geneva Convention). The Syrian Arab Republic also noted that the Syrian citizens of Golan are prevented from the full enjoyment of their rights, including the rights to health, education and work amidst prevailing racial discrimination, confiscation of lands and resources, building of settlements and a high taxation system applied to the population. The note verbale indicated that the Syrian citizens receive only 20 per cent of their yearly needs of water, bearing in mind that they are highly dependent on water for their livelihoods in farming, whereas the settlers receive more than 125 per cent of their needs. The Syrian Arab Republic requested Israel to release all Syrian detainees in Israeli prisons who are subjected to the worst forms of physical and psychological torture, and facilitate family visits to prisons. The Syrian Arab Republic also noted that Israel has denied — for the past 40 years — any visit by representatives of the United Nations to the occupied Syrian Golan, including the last attempt by OHCHR to visit the Golan in the summer of 2009, and the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories.

8. On 28 July 2010, the Permanent Mission of Argentina replied to the note verbale. Argentina recalled Security Council resolutions 242 (1967) and 497 (1981), noting the inadmissibility of the acquisition of territory by the use of force and the null and void status of any Israeli laws, jurisdiction and administration in the occupied Syrian Golan. Argentina referred to General Assembly resolutions 64/21, 63/125, 56/63, 55/134, 51/135 and 50/29, calling on Israel to end its occupation of Arab territories and denying the validity of any Israeli measures, or legislative or administrative acts in the occupied Syrian Golan, which — Argentina stressed — violate Israel's obligations as the occupying Power. Argentina, in addition, noted its continuous international and bilateral support for the Syrian Arab Republic's right to the Golan Heights and for a peaceful resolution of the dispute between the Syrian Arab Republic and Israel.

9. In its reply of 3 August 2010, the Permanent Mission of Cuba reiterated the inalienable right of the Syrian Arab Republic to the Golan Heights, and demanded the unconditional withdrawal of Israel from the Golan Heights and all occupied Arab territories. Cuba called attention to its concurrence with the position of the Non-Aligned Movement, as expressed at its fifteenth Summit, held in Egypt in July 2009. Cuba stated that this position is one of unconditional support and solidarity to the just demand of the Syrian Arab Republic to reinstate its sovereignty over the occupied Syrian Golan, in line with the Arab Peace Initiative, the Madrid peace process, and in conformity with relevant Security Council resolutions. Cuba noted that this position considers Israeli decisions to impose its laws, jurisdiction

and administration in the occupied Syrian Golan to be null and void, with particular reference to Israel's decision of 14 December 1981 in violation of Security Council resolution 497 (1981). Cuba further noted that this position considers all expansionist activity to be flagrant violations of relevant United Nations resolutions and the Fourth Geneva Convention, and condemns brutal Israeli practices and inhuman conditions of detention in the occupied Syrian Golan. Finally, Cuba noted that the Non-Aligned Movement's position calls upon Israel to reopen the Quneitra crossing to facilitate family visits to the Syrian Arab Republic.

10. In its reply of 24 August 2010, the Permanent Mission of Algeria confirmed its position considering Israeli decisions to impose its laws, jurisdiction and administration in the occupied Syrian Golan to be null and void in line with relevant United Nations resolutions and the Fourth Geneva Convention. Algeria reiterated its condemnation of Israel's occupation of the Syrian Golan and called upon Israel to withdraw from occupied territories. Algeria considered that solving the issue of the occupied Syrian Golan is instrumental to a global and just peace to the Israeli-Arab conflict. Algeria also confirmed that it only recognizes a full withdrawal from Arab occupied territories in Palestine, Lebanon and the Syrian Arab Republic. Algeria added that it had condemned with the League of Arab States all violations of human rights committed by Israel in the occupied Syrian Golan, called upon the Security Council and the Human Rights Council to ensure the respect by Israel of the Fourth Geneva Convention and the International Covenant on Civil and Political Rights for the full enjoyment of all rights, notably the right to freedom of movement, and held Israel responsible for these violations.